PUBLIC NOTICE

US Army Corps of Engineers®

APPLICATION FOR A PERMIT, NOTICE OF AVAILABILITY FOR A REVISED DRAFT EIS/EIR AND A PUBLIC HEARING

LOS ANGELES DISTRICT

Public Notice/Application No.: 2001-00262-AOA
Comment Period: December 27, 2002 through February 3, 2003
Project Manager: Aaron O. Allen (805) 585-2148 aaron.o.allen@usace.army.mil

Applicant
Robert Kanter
Port of Long Beach
925 Harbor Plaza
Long Beach, California 90802

Contact
Port of Long Beach
Tom Johnson
(562) 590-4160

Location
The proposed project is located at Pier J in the Port of Long Beach, Los Angeles County, California (at: lat:33-44-13.9920 lon:118-11-36.9960)

Activity
The applicant proposes to permanently impact approximately 115 acres of open-water habitat for dredge and fill activities associated with consolidating two existing terminals into a 385-acre marine terminal in the Port of Long Beach (see attached drawings). For more information see page 3 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344). Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Branch
ATTN: CESPL-CO-R-200100262-AOA
P.O. Box 532711
Los Angeles, California 90053-2325

Alternatively, comments can be sent electronically to: aaron.o.allen@usace.army.mil

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A determination has been made that an Environmental Impact Statement (EIS) is required for the proposed work in waters of the United States. The Draft EIS/EIR for the proposed Pier J South project was circulated for public comment on June 8, 2001 and comments on the above document were accepted until July 24, 2001. The Revised Draft EIS/EIR, which was required to address comments pertaining to environmental justice, air quality and traffic issues, for the proposed Pier J South project was circulated for public comment on December 16, 2002 and comments on the above document will be accepted until **February 3, 2003**.

Water Quality- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency.

Coastal Zone Management- The applicant has certified that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management Program. The District Engineer hereby requests the California Coastal Commission's concurrence or nonconcurrence that proposed project is consistent with the Coastal Commission approved Port Master Plan.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. Furthermore, the Draft EIS/EIR for the proposed Pier J South project did not identify any cultural resources that would be affected by the proposed project. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

Endangered Species- The California least tern (*Sterna antillarum browni*) and the California brown pelican (*Pelecanus occidentalis californicus*) are known to forage in the vicinity of the proposed project. During the proposed construction activities, the above species may be affected by increased noise and activity associated with the proposed project in the southern portion of the Port of Long Beach. Based on detailed biological information in the Revised Draft EIS/EIR for the Pier J South project, preliminary determinations indicate that the proposed activity would not adversely affect federally listed endangered or threatened species, or their critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time. With this public notice, the Corps hereby requests the Service's concurrence that the proposed project would not adversely affect the above endangered species.

Public Hearing- A public hearing will be conducted to accept comments on the adequacy of the Revised Draft EIS/EIR (40 CFR Part 1506.6) as well as acquiring information or evidence which will be considered in evaluating the proposed Section 404 permit action (33 CFR Part 327.3) for the Pier J South project on **January 27, 2003** at the Port of Long Beach Harbor Administration Building (6th Floor – Board Room), 925 Harbor Plaza, Long Beach at **1:00 and 6:00 PM**.

Proposed Activity for Which a Permit is Required

The proposed dredge and fill activities would take place at Pier J South and would involve consolidating the existing Pacific Container Terminal and the Maersk Terminal to create a single 385-acre marine terminal to accommodate increasing cargo volumes being generated by the new generation of larger container vessels (Figures 1-4). The project applicant, the Port of Long Beach, proposes to permanently impact approximately 115 acres of open-water habitat for dredge and fill activities for the construction of a new 385-acre marine terminal in the Port of Long Beach. The overall project purpose for the proposed project would be to construct a marine terminal, approximately 400 acres in size that would accommodate future cargo volumes estimated for the Port of Long Beach.

The proposed project would take place in three phases over an 8.5-year period. Phase 1 would require dredging approximately 2.5 million cubic yards of sediment from other areas in the Port of Long Beach, placement of the dredged material to create 31 acres of new land southwest and adjacent to Pier J, construction of a 3,000-foot-long rock dike and dredging a 100-foot by 2,000-foot area of the main channel from -66 MLLW to -76 MLLW to allow for deep-draft vessels to navigate safely past the proposed 31-acre fill area. Phase 2 would require dredging 2.7 million cubic yards from other areas in the Port of Long Beach, dredging and excavating 1.8 million cubic yards of material to remove 15 acres of existing land at Pier F, placement of the dredged and excavated material to create 35 acres of new land west of and adjacent to Pier J, construction of a 4,600-foot-long rock dike and construction of a 1,750-foot-long pile-supported concrete wharf extension. Phase 3 would include dredging approximately 4.5 million cubic yards from other areas in the Port of Long Beach, placement of the dredged material to create 49 acres of new land on the east side of Pier J and construction of 900-foot-long rock dike. All of the above construction phases would include the demolition of existing terminal facilities including berths F-203, F-204 and an existing wharf at berths J-266 and J-270 as well as existing buildings and infrastructure in upland areas. As part of the proposed 385-acre project, new terminal facilities would be constructed including 10,000 linear feet of additional rail loading tracks, 20,000 linear feet of storage tracks, storm drain system, pavement, lighting, utilities, administrative buildings, fire protection, parking lots, roads, communications and maintenance buildings.

The proposed project would include substantial temporary construction activities in waters of the United States. However, implementation of standard best management practices during all dredging and placement of fill material in jurisdictional areas would reduce the above temporary construction impacts substantially. During the proposed construction activities, there would also be short-term adverse impacts, including increased noise and substrate disturbance, to open water habitat in the Port of Long Beach that exhibits

moderate physical and biological functions. In addition, since the proposed terminal expansion includes transforming 15 acres of existing upland area back to open water, the proposed project would result in a net permanent loss of approximately 100 acres of open water habitat in the outer harbor portion of the Port of Long Beach. Marine species present in this portion of Port include the northern anchovy, queenfish, Pacific sardine, white croaker, California tonguefish and California halibut. Due to permanent impacts to a large amount of open water habitat in the Port of Long Beach, the Corps has determined that the proposed project could adversely affect areas designated as "essential fish habitat" or species protected under the Magnuson Stevens Act (MSA). Only one of the Pacific groundfish species is common in the Long Beach Harbor; the scorpionfish, associated with rock substrata such as dikes and breakwaters, are rarely collected in nets, but night observations by divers suggest they are very abundant in the project vicinity. To compensate for the above net permanent loss of open water habitat in the Port of Long Beach, the applicant, in accordance with the Bolsa Chica MOA, proposes to utilize approximately 100 credits at the Bolsa Chica Mitigation Site. With the inclusion of this compensatory mitigation, the Corps has determined that the proposed project would not adversely affect areas designated as "essential fish habitat" nor species protected under MSA. With this public notice, the Corps hereby requests the National Marine Service's concurrence that, with the inclusion of the proposed compensatory mitigation measures, the proposed project would not adversely affect areas designated as "essential fish habitat" nor species protected under MSA.

Additional Project Information

The proposed 115-acre landfill area for the Pier J South terminal would require excavation and dredging of over 1.8 million cubic yards of existing land and sediment. The proposed project would also require dredging up to 10,000,000 cubic yards of sediments from both the project area and other project sites in the Port of Long Beach. In addition, 3.1 million tons of quarry rock would be required for the proposed dikes. The new land to be constructed as part of Phase 1 of the proposed project would require approximately 2.5 million cubic yards of fill material. The applicant proposes to obtain approximately 1,000,000 cubic yards of the Phase 1 fill from a 50-acre area in the Main Channel between Pier T and the Navy Mole that would be deepened across its entire width to improve navigational safety for deep-draft vessels. Some additional material would come from minor widening of 4.6 acres of the Main Channel off Pier J to accommodate the Phase 1 fill area. The remaining fill material is expected to come from dredging and shoreline cutbacks associated with other approved Port projects or from the approved Western Anchorage Sediment Storage and Disposal Site, which currently holds sandy sediments from the Queen's Gate Deepening project.

Because the proposed placement of sediment in 115 acres of open water habitat would be confined in the proposed landfill area and no ocean disposal of dredged material is proposed as part of this project, the applicant feels that additional sediment testing may not be necessary in all the proposed dredge areas. Prior to constructing Phases 1-3 of the proposed project, the applicant would be required to provide detailed analysis of the sediments in the proposed borrow/dredging areas, a final mitigation plan for affected open water habitat and final plans for the proposed landfills and structures. All of the above information would be subject to Corp approval, in coordination with the U.S. Environmental Protection Agency (USEPA) and the Regional Water Quality Control Board (RWQCB). Furthermore, with the submittal of the above information to the Corps, the applicant would be required to present the final plans for each phase of the proposed project to the Contaminated Sediment Task Force (or its successor) for their review.

Proposed Special Conditions

The proposed permit would include all the standard conditions for the dredging and disposal of sediments in confined fill areas that have been coordinated with USEPA in the past and the standard Section 10 conditions.

For additional information please call Dr. Aaron O. Allen of my staff at (805) 585-2148. This public notice is issued by the Chief, Regulatory Branch.